

1 PHILLIP A. TALBERT
2 United States Attorney
3 LAUREL J. MONTOYA
Assistant United States Attorney
Robert E. Coyle Federal Courthouse
2500 Tulare Street
4 Fresno, CA 93721
(559) 497-4000
5
6 Attorneys for Plaintiff
United States of America
7
8

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 STEFAN W. KIRKEBY,
15 Defendant.

CASE NO. 1:22-CR-00228-JLT-SKO
STIPULATION TO CONTINUE MOTION
HEARING; ORDER
DATE: August 12, 2024
TIME: 9:00 a.m.
COURT: Hon. Jennifer L. Thurston

16
17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

- 20 1. By previous order, this matter was set for hearing of defendant's motion on August 12,
21 2024.
- 22 2. By this stipulation, defendant and government now move to continue the motion hearing
until September 16, 2024.
- 23 3. The parties agree and stipulate, and request that the Court find the following:
24 a) The defendant has entered a plea in this matter and has filed a motion seeking to
withdraw his plea. Defendant is pending sentencing.
- 25 b) Counsel for government needs additional time to consider defendant's counter
proposal and prepare the response to the motion.

1 c) Counsel for defendant does not object to the requested continuance of the motion in this matter.
2

3 4. The parties request the following briefing schedule:
4

5 a) Government's response will be filed on or about August 30, 2024.
6

7 b) Defendant's reply, if any, will be filed on or about September 9, 2024.
8

9 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the
10 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
11 must commence.

12 IT IS SO STIPULATED.
13

14 Dated: August 7, 2024

PHILLIP A. TALBERT
United States Attorney

15 /s/ LAUREL J. MONTOYA

LAUREL J. MONTOYA
Assistant United States Attorney

16 Dated: August 7, 2024

17 /s/ ANTHONY P. CAPOZZI

ANTHONY P. CAPOZZI
Counsel for Defendant
STEFAN W. KIRKEBY

18 **FINDINGS AND ORDER**

19 IT IS SO FOUND that the ends of justice are served by requested continuance.

20 IT IS FURTHER FOUND that the ends of justice served by taking such action outweigh the best
21 interest of the public and the defendant.

22 IT IS ORDERED that the motion hearing set for August 12, 2024 is continued to September 16,
23 2024. **The Court will not grant another extension made by stipulation.**

24 DATED: August 8, 2024

25 THE HONORABLE JENNIFER L. THURSTON
26 UNITED STATES DISTRICT JUDGE